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<p>Today, U.S. military forces operate in an extremely challenging operational environment that requires an enhanced understanding and application of ethics. In this regard, ethics is even more important at the operational and tactical levels, across the full spectrum of military operations. Therefore, ethics needs to be considered as a Principle of War. This paper initially focuses on defining ethics and drawing on historical perspectives that provide a framework of the ethical issues confronted when evaluating when and how to conduct combat operations. Then the paper addresses the unique challenges faced today by both the operational commanders and the individual warrior. These challenges include an environment which is marked by asymmetric warfare against non-state and state actors that takes place on a global stage with the media shaping worldwide opinion in "real time." Additionally, the paper looks at the landscape of tomorrow and the types of operations and ethical challenges that U.S. forces may encounter. Lastly, the paper draws conclusions on the importance of ethics as a Principle of War and provides recommendations on how to incorporate ethics within the planning, training and educational continuum.</p>					
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**ETHICS: IT IS TIME TO ADD A THIRTEENTH PRINCIPLE OF WAR**

by

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**A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.**

**The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.**

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**31 October 2008**

## **Abstract**

Today U.S. military forces operate in an extremely challenging operational environment that requires an enhanced understanding and application of ethics. In this regard, ethics is even more important at the operational and tactical levels, across the full spectrum of military operations. Therefore, ethics needs to be considered as a Principle of War. This paper initially focuses on defining ethics and drawing on historical perspectives that provide a framework of the ethical issues confronted when evaluating when and how to conduct combat operations. Then the paper addresses the unique challenges faced today by both the operational commanders and the individual warrior. These challenges include an environment which is marked by asymmetric warfare against non-state and state actors that takes place on a global stage with the media shaping worldwide opinion in “real time.” Additionally, the paper looks at the landscape of tomorrow and the types of operations and ethical challenges that U.S. forces may encounter. Lastly, the paper draws conclusions on the importance of ethics as a Principle of War and provides recommendations on how to incorporate ethics within the planning, training and educational continuum.

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## **Introduction**

Today our military forces operate in an extremely challenging operational environment that requires an enhanced understanding and application of ethics. Missions today and those of the future will require U.S. military forces to win the war and sustain the peace while maintaining the moral high ground. Complicating the mission of winning the war and sustaining the peace is the operating environment itself. The 21<sup>st</sup> century has been marked by asymmetric warfare against non-state and state actors in governed and non-governed / failed states spaces. Furthermore, we will partner with different coalitions and groups where ethical clarity may be at best confusing due to religious, political and cultural traditions. The enemy will not challenge our superior firepower and military strength but instead will choose to engage indirectly using violence, ideological propaganda and the media to rapidly influence opinion in an attempt to shape the conduct of war. In this asymmetric environment and given the U.S. dominance of conventional firepower, we will also shoulder an additional ethical burden of being the only remaining super power, the “Goliath,” in these conflicts.

As we shape our strategic direction to meet these 21<sup>st</sup> Century challenges it is our Principles of War that will provide that critical foundation. Joint Publication 3.0 states, “as doctrine guides the employment of US military forces in coordinated action toward a common objective, its principles also provide strategic direction to joint forces.”<sup>1</sup> Ethics and our understanding of proper ethical conduct is an important component that shapes our strategic direction while directly contributing to our overall mission success. Therefore, our current Principles of War need to be expanded to include ethics.

## **Ethics Defined**

Ethics is defined by Merriam-Webster as “the discipline dealing with what is good and bad and the principles of conduct governing an individual or a group.”<sup>2</sup> Ethics has always been considered with respect to justifying if one should go to war and if so, how the war should be waged. This process is known as the Just War Theory and Just War Thinking.<sup>3</sup> The concept of determining or validating a just war goes back to the time of Aristotle and has been used throughout history, especially in western societies, to morally justify the use of force. The foundations of the Just War Theory were developed by St. Augustine in an effort to balance Christian beliefs with the reality that conflict would always be present in society. Because of this conflict, individuals would be called upon to intervene on behalf of those who were being unjustly harmed by others. In essence, there would be a need to protect the innocent and weak.<sup>4</sup> There are two aspects to Just War; the first is the moral justification for going to war known *jus ad bellum*. The factors that are considered when applying *jus ad bellum* include: the just cause for going to war, proportionate cause, right intention, right authority, reasonable prospect for success, and war as a last resort. The second aspect is the morality on how that war is prosecuted known as *jus in bello*. The consideration with respect to *jus in bello* includes discrimination and proportionality.<sup>5</sup>

## **Historical Perspective**

In *Just and Unjust Wars*, Michael Walzer provides insight to the complexities of the ethical issues confronted when evaluating the decisions with respect to *jus ad bellum* and *jus in bello*. His evaluations of past conflicts in terms of applying the just war criteria provides a historical context that highlights the important roles that governments, states and leaders

have in justifying the use of force. This historical view highlights the challenges we face today in applying Just War criteria to our current interventions. Notable examples include the British decision to bomb German cities in World War II and the U.S. decision to drop the atomic bomb on Hiroshima and Nagasaki. As Walzer points out, these decisions were made in the context of “supreme emergencies” and were determined to be sound by the leaders of Great Britain and the United States, respectively, because of the immediate and overwhelming danger Germany and Japan posed at the time. With respect to Churchill’s decision, Germany was still a formidable foe and Great Britain was fighting for survival. President Truman’s reasoning centered around the rationale for ending the war and saving lives. Even in the context of World War II, which was a conventional war against nation-state aggressors, the decisions made by the leaders of Great Britain and the United States are still debated today.<sup>6</sup>

To further complicate matters, as we moved into the post-Cold War era and specifically the post 9/11 environment, the threats are much more convoluted, to include non-state terrorist actors, failed states, weapons of mass destruction and an increasing interdependence as a result of globalization. As a result, the traditional concept of the Just War rationale based on the state- on- state construct of armed conflict is even more difficult to apply to today’s operating environment. In this regard, Eric Patterson points out in his book *Just War Thinking: morality and pragmatism in the struggle against contemporary threats*, that these various threats still require nations to take the responsibility to protect their citizens, including military intervention.<sup>7</sup> He states “the old Just War concept of legitimate authority was similar to this idea of responsibility, but was limited in that it implied a conflict between states. In the new century most conflicts are either illegitimate regimes harming

their own people or non-state actors perpetrating terrorism against the citizens of legitimate governments.”<sup>8</sup> With the changing nature of war, there also has to be a corresponding change or evolution in the application of Just War theory.<sup>9</sup>

Therefore, it is important to understand the changing nature of the conflicts today and the challenges they pose to our “traditional” application of the Just War criteria. Certainly we need to continue to maintain the ethical and moral high ground ensuring that our use of military force is applied within the spirit and intent of the Just War Theory. However, commanders today are faced with less clearly defined missions, objectives and end states that ultimately pose ambiguities that result in corresponding ethical and moral uncertainties within the missions themselves. Milan Vego provides a clear example when he compares the objective given to Dwight Eisenhower with the stated objective of the United States in Kosovo.

The objective given to Dwight Eisenhower, Supreme Commander of the Allied Expeditionary Forces, prior to the landing at Normandy was clearly and concisely stated: “You will enter the Continent of Europe and, in conjunction with other United Nations, undertake the operations aimed at the heart of Germany and the destruction of her armed forces.” Compare this with the highly ambiguous and open-ended objective in the Kosovo conflict of 1999 (Operation Allied Force): In March 1999, the United States publicly stated that the objectives of NATO’s action against Serbia were to demonstrate the “seriousness of NATO’s opposition to Belgrade’s policies in the Balkans; to deter Slobodan Milosevic from continuing and escalating his attacks on civilians and to create conditions to reverse his ethnic cleansing; and by diminishing or degrading Serbia’s ability to wage military operations, to damage the country’s capacity to wage war against Kosovo in the future or to spread war to neighbors.”<sup>10</sup>

This example demonstrates that commanders may have far more complex objectives which will lead to a myriad of ethical challenges. It is also important to note that when comparing the Kosovo air campaign with the air campaigns of World War II there was a significantly different application of ethical decision making. In the case of the World War II there were certainly discussions on the ethical dilemmas of killing innocent civilians. An



example is General Bradley's decision not to warn French citizens about the impending bombing in preparation for the allied invasion. This was an agonizing ethical decision, but was considered appropriate relative to the greater good of defeating the Germans which required complete secrecy. The invasion itself was obviously successful.<sup>11</sup>

Conversely, in the Kosovo air campaign the use of precision munitions on Serbian infrastructure targets that were deemed of "military value", such as power plants, did not justify in the moral sense, civilian losses. This contributed to ending the Kosovo air campaign altogether.<sup>12</sup>

### **The Environment Today**

Today, most nations have committed themselves to the principles of international law that have their basis in Just War thinking. However, this Just War thinking has been developed over time in a Western context. This raises some challenges when applying these concepts to countries that have their traditions, customs and understanding of ethics and morals that are found in a non - Christian context such as the Muslim tradition or Asian cultures. The multi-cultural aspects of the globalized world and the diversity within countries themselves add to the complexity of understanding Just War criteria in the international realm.<sup>13</sup> Martin Cook states that "the United States and its allies around the world are committed by treaty, policy, and moral commitment to conduct military operations within the framework of the existing just war criteria. That fact alone makes it important that strategic leaders possess a good working knowledge of those criteria and some facility in using them to reason about war."<sup>14</sup> Today, the U.S. military is engaged in a variety of

missions around the globe as a result of expanding partnerships and commitments to other countries.

The ongoing operations in Iraq serve as a “real time” case study on the ethical challenges. Iraqi society is a non-Western culture that is tribal and familial in nature and where religious sects dominate over a secular government.<sup>15</sup> In Iraqi culture, bribery and corruption are viewed in a completely different construct. The ethical challenges faced by commanders at the operational and tactical levels are multiple and complex. Furthermore, the United States is not an occupying force; U.S. forces are there at the request of the Iraqi Government and therefore must be extremely sensitive to their sovereignty. Besides dealing with the challenges of insurgencies at the operational level, there is the added dilemma of working with an Iraqi coalition that has corruption problems. The problems vary and include how to define legitimacy in a country where the military and police have traditionally received pay through extortion, and how do U.S. forces performing the critical tasks such as transition training teams deal with these issues.<sup>16</sup> As U.S. Army Colonel J. B. Burton stated in an interview with James Kitfield regarding corrupt Iraqi officers, “There are cases where we can’t touch officers who are too insulated politically, and in those instances I try and make it an Iraqi problem, because at the end of the day this is a sovereign nation with its own rules and laws.”<sup>17</sup>

Another real ethical challenge for commanders is the necessity of making short term tradeoffs between achieving their mission and engaging in activities that will be damaging to the long term success in Iraq. An example is a commander who has an effective on-time contractor working an important reconstruction project for the command. The commander discovers that contractor is paying bribes to the local tribes for labor peace. If the commander

fires him the project will probably not get done. What should the commander do? Would the solution be different if the contractor was paying al Qaeda?<sup>18</sup> This is a difficult situation in the case of Iraq because as stated in the Transparency International 2007 Report, Iraq is listed in the top two most corrupt countries. In a recent survey of Iraqi citizens, 39 percent thought the political parties were corrupt, 28 percent thought the military was corrupt and 26 percent felt the judiciary was corrupt.<sup>19</sup> These problems are ethical in nature and at the same time are ill structured or what is now referred to as “wicked problems.” As such they are not easily solved by using the conventional construct of our Joint Planning Process. As Colonel William Hartig states “our world is one in which we face ill-structured problems, resource constraints, political and media pressure - a world where we must “satisfice” in order to survive. Satisficing, a merging of satisfying and sufficing, may be defined as the acceptance of a choice or judgment that is good enough--one that satisfices.”<sup>20</sup> This process of satisficing is extremely difficult, in the ethical sense, for commanders when applied to the current challenges in Iraq. It is easy to choose between good and bad but much more difficult to decide between good and good enough.

### **Ethics and the Individual Warrior**

In Moral Issues in Military Decision Making, Anthony Hartle outlines the ethical challenge for the individual military member in having to perform his or her duties in a combat environment. He states “that functional requirements necessitate a partially differentiated role for military professionals-one in which professional considerations alter the balance of moral judgments in ways that would be inappropriate for individuals outside the profession. Such differentiation, however finds justification in the core values of society,

which place distinct limits on morally acceptable professional conduct.”<sup>21</sup> This partially differentiated role is particularly challenging today because the nature of current operations is such that we do not move from one phase of war to the next in a sequential, clearly defined linear manner. Our military forces operate in an environment where the phases of operations continually overlap.

The enemy in Iraq is illusive and constitutes an asymmetrical threat that uses IEDs and innocent civilians as shields. They are constantly changing allegiances which can mean having a coalition partner on one day, and having that same partner become the enemy on the next day. This places enormous pressure on our servicemen and women not to abandon their ethics in the face of significant moral dilemmas.<sup>22</sup> General Charles C. Krulak, the thirty-first Commandant of the Marines Corps coined the term the “strategic corporal” which portrays this challenge where the corporal goes from combat engagement, to peace keeping and humanitarian assistance all in the same day.<sup>23</sup> In that light, and in response to concerns about surveys conducted in Iraq that revealed U.S. military personnel were hesitant to report illegal actions by their fellow servicemen, General David H. Petraeus, United States Army and Commanding General of Multi-National Force Iraq addressed the issue. He stated the following in his letter to all members of Multi-National Force Iraq: “Our values and the laws governing warfare teach us to respect human dignity, maintain our integrity and do what is right. Adherence to our values distinguishes us from our enemies. This fight depends on securing the population, which must understand that we – not our enemies occupy the moral high ground.”<sup>24</sup>

The emphasis that General Petraeus placed on ethical conduct and his need to address the importance of maintaining the moral high ground also reinforces the concept outlined in

the U.S. Army Counterinsurgency Field Manual (FM) 3-24 which stresses the point that many important decisions involving ethical dilemmas are not made by generals. The manual states “indeed, young leaders – so called “strategic corporals” – often make decisions at the tactical level that have strategic consequences.” The manual further states “ they must be trained and educated to adapt to their local situations, understand the legal and ethical implications of their actions, and exercise sound judgment in accordance with their senior commanders’ intent.”<sup>25</sup> Clearly, the ethical conduct and actions of our junior service members can have far greater strategic ramifications than past generations of servicemen and women.

### **Ethics and Globalization**

Globalization sharpens the ethical challenges today because it greatly increases the frequency of contact between different cultures, belief systems and ethical frameworks. It can be argued that Japan’s “foreign-ness” and the lack of a cultural connection made the idea of dropping the atomic bomb more palatable because Japan did not share our ethical belief systems; therefore, the Japanese were not entitled to our ethical standards. In contrast to today, Christopher Coker illustrates the impact of our globally connected world as he states, “In our networked world, in short, ethics has become more important than ever, a blog site, a camera in a mobile telephone or a lone bystander uploading a video on YouTube can make the exercise of power by a country such as the US even more pregnant with moral consequence.”<sup>26</sup>

Cases in point include Haditha and Abu Ghraib which captured world attention and clearly were setbacks for the United States at both the operational and strategic level. Anna

Mulrine reported on the fallout from Haditha in the following interviews: Major General Thurman, commander of the 4<sup>th</sup> Infantry Division in discussing the set back in gaining the trust of Iraqi's after reported allegations of misconduct by Marines stemming from the deaths of 24 civilians, stated "quite frankly, it's had an effect." Iraqi Major General Nabil Abdul Kadir who was then getting ready to lead the Iraqi leadership institute stated that his fellow Generals ask "What can we learn from the Americans?" and "What they are saying-how can we believe in it?"<sup>27</sup> The Abu Ghraib incident was particularly problematic for the United States as the images of prisoner abuse circulated worldwide. It was a "shot heard around the world" as evidenced in Susan Rice's article which was focusing on why Darfur cannot be left alone. In that article Rice states she was told by an African ambassador that because of the Abu Ghraib incident, "many African leaders were skeptical of U.S intentions and the effectiveness of our forces in dealing with Muslim populations."<sup>28</sup>

The conduct of our service members and the methods used to carry out military operations will be "ethically" evaluated by many, including the world-wide media. This attention places additional pressure on servicemen and women to carry the added burden associated with media scrutiny. A case in point was the Marine who was filmed by a NBC reporter shooting an insurgent inside of a Mosque. His actions received world- wide attention, even though it was determined he made a sound ethical decision in accordance with the established rules of engagement.<sup>29</sup> The lesson to be learned is that the media focus on tactical and operational actions, undertaken by the military, will frame the world view with respect to the political and military legitimacy of the operation itself.<sup>30</sup> The United States' ability to maintain the ethical and moral high ground will have far reaching consequences on how we are viewed throughout the regions of the world.

An argument could be made that ethics has always been relevant so why elevate it to a Principle of War now? As the operations in Iraq demonstrate the nature of the problem is “wicked”. We are not conquering a nation defeating a traditional uniformed force and our coalition relationships are much more dynamic. As a result the ethical burdens of our NCOs, SNCOs and junior officers, along with our commanders, are much more demanding and create additional responsibilities. In this ill-defined asymmetrical operating environment, making the right or wrong ethical decision at the strategic, operational and tactical levels can define our success or failure. It is also important to note that these decisions are made on a global stage where events are reported as they occur. In short, this is a much more complex environment, at all levels, with respect to ethical dilemmas. These conditions demonstrate the need to add ethics as a Principle of War.

### **The Landscape of Tomorrow**

Conventional wisdom is that the military operations of tomorrow will be as difficult if not more challenging than today. Operations in Iraq and Afghanistan continue to offer valuable lessons on the ethical challenges we will continue to face against the backdrop of continued globalization that inextricably links nations on the economic, political and military fronts. At the same time, nations will deal with asymmetric threats to include state and non-state actors, terrorists and criminal organizations and failed states. Furthermore, the proliferation of weapons and technology will substantially increase the lethality that can be brought to bear against nations. Thus, the United States could engage a variety of interventions across the range of military operations (ROMO) to include security

cooperation, contingency operations, homeland defense, counterinsurgency operations, humanitarian assistance and, if required, major operations in support of the Long War.<sup>31</sup>

The specific operations that will be undertaken and their locations in which they will occur are yet to be determined; however, there are clear indicators of the potential areas of the world where we may find ourselves engaged. The Failed States Index of 2008 ranks countries based on twelve factors that include social, economic and political indicators to determine which countries are most at risk. The current economic uncertainty worldwide and natural disasters contribute to the challenges for many nations. It is worth noting that in the newest Geographic Command, AFRICOM there are several countries listed in the Failed States Index top ten most “at risk” for failing.<sup>32</sup> Future U.S. military engagements will most likely involve many different multinational coalitions posing familiar as well as new types of challenges. Joint Force Commanders will need to have a thorough understanding of the cultural, religious, ethnic, tribal and other factors that shape the ethical conduct of our partners and adversaries and incorporate these ethical considerations into their planning. As Anthony Hartle points out, “quite dissimilar rules and standards of conduct govern the military forces of different nations, which is to say that the military ethic varies significantly from one society to the next. While hardly an original insight, this fact is important because the most critical variable in each case is the culture in the society concerned. As values vary among societies, so, to some degree, do the codes of the military professional ethics involved.”<sup>33</sup>

Emerging concepts will also require emphasis on ethics and ethical behavior. The Combatant Commanders’ development of Theater Campaign Plans includes Theater Security Cooperation Plans. The Services’ contribution to those plans will require conventional



forces to perform a wide variety of tailored missions. The Marine Corps, for example, is developing the Security Cooperation Marine Air-Ground Task Force (SC MAGTF). In partnership with the Navy the SC MAGTF will have a global reach and promote partnerships and cooperative relationships along with several other missions. These Marines will also be available for assisting in activities associated in the development of civil society in “governed and ungoverned” spaces.<sup>34</sup> These security cooperation initiatives are just as important from an ethical perspective as those activities carried out in the other types of military operations. Our ability to effectively engage foreign nations to include their military and civilian populations and project the ethical and moral ideas of our nation will be essential to the overall success of these missions and our nation’s overall strategy.

### **Conclusion**

There are several changes currently underway with respect to our strategic and operational approach to war fighting. One of the most significant is the requirement for Combatant Commanders to develop campaign plans in support of their theater strategies. The intent is to move from a “contingency-centric focus to a strategy-centric focus.”<sup>35</sup> As we continue to develop our “strategy centric focus” it is critical that we examine those underlying principles that provide strategic direction. In that vein, it is time to add ethics as the thirteenth Principle of War. As outlined above, the nature of war is rapidly changing while our application of Just War Theory continues to evolve. Our military forces are currently engaged in the full range of military operations (ROMO) with coalition forces that have a very different understanding of ethics. Although the types of operations that

encompass ROMO have unique aspects that make them distinct from one another, ethics remains a key principle in all of them.

The principle of ethics needs to be studied and understood by Joint Force Commanders at the operational level because the mission along with the ends, ways, and means will be continually scrutinized and the legitimacy of our actions will be judged in the court of world opinion. That world opinion can determine success or failure as stated in the 9/11 Commission Report, “America Stood out as an object for admiration, envy and blame.”<sup>36</sup> Today mission success is measured more in terms of winning the trust and confidence of the people along with successful application of force against the enemy. As a result, our “strategic” young Marines, Soldiers, Airmen and Sailors at the tactical level need to have a fundamental understanding of ethics. In short they need to “get it” so they will be able to make the difficult but informed ethical decisions of “what do I do next.”

### **Recommendations**

First and foremost, ethics needs to be added as a Principle of War and as such incorporated into the formal planning process at the strategic, operational and tactical levels while being actively considered with respect to the training, planning and execution of military operations. Joint Force Commanders need to conduct detailed analysis of the ethical considerations that will need to be addressed throughout all phases of an operation and remain keenly aware of circumstances and situations that could quickly change the ethical dynamics. This includes our own forces, the multinational coalitions we will serve with, as well as our adversaries and the non-combatants that are part of the operational environment.

With respect to training and education, progress has been made to focus attention on the importance of ethics. For example, the FM 3-24 Counterinsurgency Manual has a chapter that deals directly with leadership and ethics for counterinsurgency.<sup>37</sup> In addition, Marine Corps Recruit Training has revamped and expanded value based training for recruits. Ethics training is now part of the academic curriculum in most resident PME courses for the Services. However, ethics training needs to be inculcated and constantly reinforced in both the deployed and garrison environments. Ethics training needs to be a command function and the entire chain of command should be actively involved. Ethics is more than just classes from judge advocates and chaplains. Ethics training should be conducted in the same leadership environment that we use to conduct military operations, led by commanders utilizing the entire chain of command. The NCOs and SNCOs should be leading discussions along with the company and field grade officer leadership. This is an important aspect of ethics training because it will be those “strategic corporals” and company grade officers that will be directing the effort and making those critical ethical decisions that could have strategic ramifications. The training itself needs to be inclusive with scenario based approaches consisting of NCOs, SNCOs and officers providing their shared experiences and allowing the newer, less experienced servicemen and women to interact. The education needs to go beyond just the specific operational “lessons learned” because the application of ethics is a dynamic process and every situation will always be somewhat different. There is not a checklist that can be applied for a given situation; the real goal needs to be a better individual inculcation of ethics and the ability to act accordingly. Ethics like the other Principles of War needs to be woven throughout the formal and informal training process with consideration given to the full range of military operations.

## Endnotes

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